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District Court

FEB 17 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorney for Defendant Patris

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA) CRIMINAL ACTION NO. 04-0038
)
Plaintiff) SUPPLEMENTAL MEMORANDUM TO
) PATRIS' OBJECTIONS TO PRESENTENCE
v.) INVESTIGATION REPORT
)
ERIC TUDELA MAFNAS and)
and CHARLIE KINTARO PATRIS)
)
Defendants)
_____)

At trial, the prosecution introduced evidence tending to show that the amount of contraband involved consisted of 46 grams. *See* Trial Exhibit 1. While the PSR seeks to impose a higher base level offense based on ice, this is improper as count 9 of the superseding indictment charged Patris with accessory after the fact in connection with methamphetamine. The superseding indictment does not charge accessory after the fact for ice or Methamphetamine (actual)." Accordingly, U.S.S.G. 2D1.1 provides for a base offense level of 24 for "[a]t least 40 G but less than 50 G of Methamphetamine, or at least 4 G but less than 5 G of Methamphetamine (actual), or at least 4 G but less than 5 G of "Ice"." Thus, since the U.S.S.G. provides that the

1 base level offense for accessory after the fact is 6 points less than the underlying offense, the
2 base level for the accessory after the fact charge is level 18 (24 -6).

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